

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOYCE MCCRAY-KEY,

Plaintiff,

v.

HEALTHSOURCE GLOBAL STAFFING,

Defendant.

No. C 14-02122 JSW

**ORDER CONTINUING HEARING
AND CASE MANAGEMENT
CONFERENCE AND ORDERING
SUPPLEMENTAL BRIEFING**

On May 15, 2014, Defendant filed a Petition to Compel Arbitration. Plaintiff is a temporary nurse who worked for Defendant on what she contends were at least five separate assignments. Plaintiff concedes that, subject to certain conditions, she would be bound to arbitrate claims for the time periods covered by the Temporary Employment Agreements that Defendant has attached as exhibits to its motion. However, she argues that she cannot be bound to arbitrate claims for the period September 21, 2011 to September 26, 2011, a time period for which Defendant has not produced a Temporary Employment Agreement.

Defendant argues that in response that Plaintiff executed a Temporary Employment Agreement on or about October 29, 2012, and that this agreement supersedes all prior agreements. However, Plaintiff also contends that each of her assignments with Defendant was a separate term of employment. Plaintiff's position would appear to be bolstered by the fact that Plaintiff was required to complete a separate "Temporary Employment Agreement," for each assignment. Defendant does not address that argument in its reply.

Accordingly, it is HEREBY ORDERED that Defendant shall submit a supplemental brief setting forth its position on Plaintiff's argument that each assignment was a separate term

1 of employment. If Defendant agrees that each assignment constituted a separate term of
2 employment, Defendant shall also provide further briefing to support its position that the
3 October 29, 2012 agreement controls all prior agreements.

4 Defendant's supplemental brief shall be due by August 1, 2014. Plaintiff may file a
5 reply to Defendant's response by no later than August 8, 2014. The Court CONTINUES the
6 hearing scheduled for August 1, 2014, to August 29, 2014, at 9:00 a.m. If the Court finds the
7 motion suitable for disposition without oral argument, the Court shall notify the parties in
8 advance of the hearing date.

9 The Court CONTINUES the case management conference scheduled for August 15,
10 2014 at 11:00 a.m. September 12, 2014 at 11:00 a.m. The parties' joint case management
11 conference shall be due by no later than September 5, 2014.

12 **IT IS SO ORDERED.**

13 Dated: July 21, 2014

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15 JEFFREY S. WHITE
16 UNITED STATES DISTRICT JUDGE
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